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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,928	12/10/1999	MOHAMMAD PEYRAVIAN	P-4541.002	9487
24112	7590	12/01/2004	EXAMINER	
COATS & BENNETT, PLLC P O BOX 5 RALEIGH, NC 27602			DADA, BEEMNET W	
			ART UNIT	PAPER NUMBER
			2135	
DATE MAILED: 12/01/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/458,928	<b>Applicant(s)</b> PEYRAVIAN ET AL.	
	<b>Examiner</b> Beemnet W Dada	<b>Art Unit</b> 2135	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 September 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This office action is in reply to a response to an office action filed on September 03 2004.

***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-10, 13-23 and 26 are rejected under 35 U.S.C 103(a) as being unpatentable over Nissl et al US Patent 6,530,023 in view of Haber et al US Patent 5,136,647 and further in view of Stefik et al US Patent 5,638,443.
4. The rejection is being applied for the same reason as set forth in the previous Office action, pages 2-10, mailed June 4 2004.
5. Claims 11 and 24 are rejected under 35 U.S.C 103(a) as being unpatentable over Nissl et al, US Patent 6,530,023 in view of Haber et al, US Patent 5,136,647 and further in view of Stefik et al US Patent 5,638,443 and further in view of Schneier.
6. The rejection is being applied for the same reason as set forth in the previous Office action, pages 10-11, mailed June 4 2004.

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7. Claims 12 and 25 are rejected under 35 U.S.C 103(a) as being unpatentable over Nissl et al, US Patent 6,530,023 in view of Haber et al, US Patent 5,136,647 and further in view of Stefik et al US Patent 5,638,443 and further in view of Levine et al, US Patent 6,393,566.

8. The rejection is being applied for the same reason as set forth in the previous Office action, pages 11-12, mailed June 4 2004.

### ***Double Patenting***

9. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

10. Claims 1-8, 10 and 14-23 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6,742,119. Although the conflicting claims are not identical, they are not patentably distinct from each other.

11. The rejection is being applied for the same reason as set forth in the previous Office action, pages 13-16, mailed June 4 2004.

12. Claims 1-26 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 and 19-30 of copending Application No. 09/458,922. Although the conflicting claims are not identical, they are not patentably distinct from each other.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

13. The rejection is being applied for the same reason as set forth in the previous Office action, pages 16-18, mailed June 4 2004.

### ***Response to Arguments***

14. Applicant's arguments filed September 03 2004 have been fully considered but they are not persuasive.

15. With respect to claim 1, applicant argues Nissl only computes a difference to validate a time that will be used as the time indication in the time stamp, Nissl never uses the computed difference to create an aged time stamp receipt, and never binds both the computed difference and time indication in the time receipt. Applicant argues Haber fails to disclose these elements. Applicant further argues Stefik fails to teach creating an aged time stamp receipt. The examiner respectfully disagrees.

Nissl teaches a file with content "abc" being time stamped with internal clock, which is validated with standard external time and signed resulting in the file 13d (see figure 6, col 7,

lines 18-28, col. 4, lines 50-55 and col. 6, lines 14-19). Nissl further teaches comparing the internal time with a standard time, thereby validating the internal clock (see for example, col 7, lines 29-41) as well as the time indicator within a file (see for example, col 7, lines 42-66). Haber on the other hand teaches time stamping being done at an outside agency wherein the outside agency supplies the current time to validate the time indication before applying a cryptography binding (col 2 lines 33-49), which has the advantage of increasing security by the use of central third party as a witness to validating a time stamp and also a uniformity of protection by having all documents signed by a central trusted party. As for creating an aged time stamp receipt at outside agency by combining an identifying data, a time indication, and a computed age, Nissl further discloses combining the identifying data, said time indication, and an authentication code (see for example, col 3 ln 6-10). Haber also discloses the binding of identifying data and time indication at an outside agency (see for example, applying the agency's cryptographic signature scheme, col 2 ln 66-67 and col 3 ln 1-5). Stefik further discloses computing the age and use of the computed age to synchronize clocks (computing creating an adjusted time delta)(see for example, col 29 ln 1-21).

16. With respect to claim 1, Applicant further argues that the fundamental goal of Haber is to create a tamper-proof method of validating the a document received from a requestor, and Haber explicitly teaches removing the requestor from the validation process to achieve this goal, and thus teaches away from Nissl, Haber and Stefik combination. The examiner respectfully disagrees.

Haber teaches time stamping being done at an outside agency wherein the outside agency supplies the current time to validate the time indication before applying a cryptography binding (col 2 lines 33-49). According to the examiner interpretation, Haber actually suggests a

motivation to perform validation of time stamping at an outside agency, by transferring control of time-stamping step from the author to an independent agent, thereby increasing the credibility of document authentication. The time stamping method taught by Nissl and Stefik can be performed at an outside agency as taught by Haber, thereby increasing the credibility of document authentication.

17. With respect to obviousness-type double type rejection, Applicant argues both applications claim patentably distinct subject matter. Applicant argues neither the '119 patent or the '922 application disclose the aspect of creating an aged time stamp and using it when binding an aged time stamp receipt. Applicant further argues that both the instant application and the '922 application, and the '119 patent have the same filing date and thus, a terminal disclaimer would have no effect. The examiner respectfully disagrees.

In the instant application an age of a time stamp is being computed for validation of the time stamp receipt with a current time. One of ordinary skill in the art at the time of the applicant's invention would have been able to bind such a computed age with the identifying data and time indication of the time stamp receipt. It would have been obvious to include the computed age into a time stamp receipt because it would have provided a more convenient and stronger authenticated means of validating the time stamp at a later time. By providing age in a time stamp receipt, future age would not have to be computed for future validation and authentication of the time stamp receipt.

It is true that both the instant application, the '922 application and the '119 Patent have the same filing date, but as discussed above the instant application, the '922 application and the '119 Patent are not patentably distinct from each other.

***Conclusion***

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

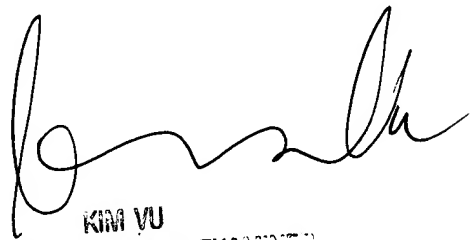
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

November 23, 2004



KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2135